

that the subject matter of those claims is allowable, and that those claims would be allowable if rewritten to include all the limitations of the base claim and any intervening claims. Applicant acknowledges the claim allowance and recognition of allowable subject matter.

In the present action the Examiner rejected Claims 1, 3, and 8 under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 4,530,533 to Dieter. The Examiner stated that Dieter discloses a collapsible funnel, comprising a generally rectangular planar body having a front edge, a rear edge, a first side edge, and a second side edge, the body formable into a funnel configuration by bringing first and second rear corner portions of the body adjacent to the intersections of the first and second side edges, respectively, with the rear edge in overlapping relation with each other without overlapping the first and second front corner portions of the body adjacent to the intersections of the first and second edges, respectively, with the front edge such that the front edge and the portion of the body immediately adjacent the front edge remaining substantially flat. The Examiner further stated that Dieter discloses connection means for connecting the rear corner portions of the body in the overlapping relation. The Examiner also stated that Dieter discloses attachment means made of a plurality of tabs formed in the body in opposing pairs to engage a refuse bag.

The Examiner also rejected Claims 1, 3, and 8 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,121,779 to Green in view of Dieter. The Examiner stated that Green discloses a collapsible refuse funnel comprising a generally rectangular planar body having a front edge, a rear edge, a first side edge, and a second side edge, the body formable into a funnel configuration by bringing first and second rear corner portions of the body adjacent to the intersections of the first and second side edges, respectively, with the rear edge into overlapping relation with each other without overlapping the first and second front corner portions of the front

edge. The Examiner further stated that Green discloses connection means for connecting the rear corner portions of the body in the overlapping relation. The Examiner recognized that Green does not disclose the front edge and portion of the body immediately adjacent thereto remaining substantially flat, or an attachment for a refuse bag. The Examiner then stated that Dieter discloses a structure in which the front edge and portion of the body immediately adjacent to the front edge remains substantially flat, and connection means for connecting the rear corner portions of the body in overlapping relation. The Examiner also stated that Dieter discloses attachment means as a plurality of tabs formed in the body in opposing pairs to engage a refuse bag. The Examiner took the position that it would have been obvious to one of ordinary skill in the art to have modified the refuse holder of Green such that the front edge portion is flat as taught by Dieter, and to provide bag holding attachment tabs for attachment of a refuse container as taught by Dieter.

Without acquiescing to the grounds of rejection asserted by the Examiner, Applicant has amended Claim 1, as set forth in the appended Listing Of Claims, to recite a front crease formed in the body, the front crease extending between the first side edge and the second side edge generally parallel to and a short distance inward from the front edge. Claim 1, as amended, further recites that the front portion of the body is bendable downward at the front crease to form a lip, to stiffen the front portion of the body such that the portions of the body adjacent to the front crease remain substantially flat.

The front crease element added to Claim 1 in the present amendment, and the limitations attendant thereto, are the subject matter of original Claim 11, which the Examiner has found to be allowable. Original Claim 11 was directly dependent under Claim 1 without intervening claims, so writing the subject matter of Claim 11 into Claim 1 is functionally the same as rewriting Claim 11

to include the limitations of the base claim. Accordingly, Claim 1, as amended, is clearly allowable.

Claim 3 is directly dependent under Claim 1, and Claim 8 is directly dependent under Claim 3. Because Claims 3 and 8 include all the limitations of Claim 1, the amendment of Claim 1 which renders that claim now clearly allowable, makes Claims 3 and 8 also allowable by virtue of their dependency under an allowable base claim.

Because the entire subject matter of original Claim 11 has been written into Claim 1, Claim 11 has been cancelled, as reflected in the appended Listing Of Claims.

Claims 2, 4 through 7, 9, 10, 12, and 13 are dependent under Claim 1, either directly or through one or more intervening claims. Since Claim 1, as amended, is, as Applicant believes, allowable, Claims 2, 4 through 7, 9, 10, 12, and 13, which further limit the structure recited in Claim 1, are allowable by virtue of their dependency under an allowable base claim. Accordingly, the basis for objection to those claims has been rendered moot.

Applicant believes that the grounds for rejection of Claims 1, 3, and 8, and the grounds for objection to Claims 2, 4 through 7, 9, 10, 12, and 13 have been addressed and met or overcome, and that all claims remaining in the application are now in condition for allowance. No new matter has been added to the application, and no additional filing fee is seen to be due. Applicant respectfully requests that this amendment be entered and considered, and that a notice of allowance be issued in due course.

Respectfully submitted,

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